IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 6TH NOVEMBER 2007 / 15TH KARTHIKA 1929

Crl.MC.No. 3369 of 2007()

CC.834/2005 of JUDL.MAGISTRATE OF FIRST CLASS COURT, ALATHUR

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PETITIONER:

K.EASWARAN, AGED 33 YEARS,
S/O. KARUPPUSWAMY, K.KRISHNAPURAM,
KAMANAYAKKAM P.O., PALLADAM (VIA),
COIMBATORE DISTRICT.

BY ADV. SRI.P.R.VENKETESH

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
VADAKKENCHERRY.

BY PUBLIC PROSECUTOR SRI.C.M.KAMAPPU

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 06/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.3369 of 2007

Dated this the 6th day of November 2007

O R D E R

The petitioner faces indictment in a prosecution for the offences punishable under Sections 279 and 304A I.P.C. The petitioner was enlarged on bail at the crime stage by the police. The petitioner has not received any notice or process from the court. The petitioner had no knowledge of the proceedings initiated against him before the learned Magistrate. He now understands that C.C.No.834/2005 is pending against him before the learned Magistrate.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. His absence earlier was not wilful or deliberate. The petitioner is willing to surrender before the learned Magistrate and seek regular bail. But he apprehends that his application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. He, therefore, prays that directions under Section 482 Cr.P.C. may be issued to the learned Magistrate to release the petitioner on bail when he appears and applies for bail.

3. I have considered all the relevant inputs. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate, the circumstances under which he could not earlier appear before the learned Magistrate. I find absolutely no reason to assume that the learned Magistrate would not consider the application for bail to be filed by the petitioner on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific directions appear to be necessary. Sufficient general directions have been issued in Alice George vs. Deputy Superintendent of Police [2003 (1)KLT 339].

4. In the result, this Criminal Miscellaneous Case is dismissed but with the specific observation that if the petitioner surrenders before the learned Magistrate and applies for bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously - on the date of surrender itself.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007